

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERIC DEMOND LOZANO,
TDCJ #1915276
Plaintiff,

v.

BRYAN COLLIER, ET AL.,
Defendants.

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CIVIL ACTION No. 3:18-CV-00237

DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Exhibit I

SELF-AUTHENTICATING BUSINESS RECORDS AFFIDAVIT:

AFFIDAVIT OF TIMOTHY JONES

“My name is Timothy Jones and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the following is true and correct. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein.

“I am the custodian of records for the Rehabilitation Programs Division/Chaplaincy Department of the Texas Department of Criminal Justice (“TDCJ”). **This request is for Chaplaincy Manual policies 02.04 and 06.01.** These are records which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.”

Executed in Walker County, State of Texas, on the 16th day of June, 2020.



Timothy Jones
Director of Chaplaincy
Rehabilitation Programs Division
Texas Department of Criminal Justice

TEXAS DEPARTMENT OF CRIMINAL JUSTICE	Policy Number:	02.04 (rev. 4)
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CHAPLAINCY MANUAL	Date:	January 2020
	Supersedes:	02.04 (rev. 3) July 2016

SUBJECT: FAITH-BASED DORMS

AUTHORITY: Senate Concurrent Resolution 44, 75th Texas Legislature; AD-07.30,
“Procedures for Religious Programming”

DISCUSSION:

A faith-based dorm (FBD) offers support for offenders who desire to incorporate religious faith and practice in a group setting. The FBD offers a curriculum to assist with successful reentry into the local community and/or rehabilitation needs in order to effect improved institutional adjustment.

The unit chaplain shall recruit at least one volunteer program coordinator to assist the chaplain with volunteer and program management. The faith-based dorm volunteer program coordinator shall be trained as a Certified Volunteer Chaplains’ Assistant.

This program shall not interfere with other unit chaplaincy programs and services, and as much as possible, programming is to be conducted in the dorm area. Units should be selected based on administrative and chaplaincy recommendations, unit and community volunteer support, and local resources.

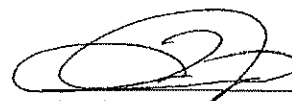
The establishment of an FBD requires coordination with the unit administration.

PROCEDURES:

- I. The unit chaplain in consultation with the warden shall contact the regional chaplain expressing an interest in the development of a faith-based dorm.
- II. The chaplain shall coordinate the recruitment of volunteer groups to assist in the faith-based dorm.
- III. The chaplain shall schedule a meeting with the unit chaplain, warden, appropriate regional chaplain, and interested volunteer groups. The chaplain shall present the criteria necessary for the implementation of a faith-based dorm, to consist of the following:
 - A. A dorm, pod, or building that can house selected offenders with additional group meeting space as needed. Depending on the mission of the unit beds in certain sections can be used but allow all participants to come together.
 - B. Offender participation shall be voluntary, open to all faiths or no faith. Offenders shall be selected in conjunction with unit administration, Classification, and the chaplain. The offender must sign the Faith-Based Dorm Offender Volunteer Participation Form (Attachment A).
 - C. Participating offenders must be OT, G1, G2, G3, G4 J1, or J2 minimum custody level. Custody levels can be adjusted to meet the unit profile, housing assignment, or space availability with approval by the warden.

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- D. The duration of offender participation shall not exceed two years.
 - E. Offenders shall continue to work and participate in academic and vocational classes as determined by unit administration.
 - F. Offenders in the FBDs shall be allowed to participate in regular chapel worship services or in services of their chosen faith.
 - G. The unit chaplain in consultation with the warden shall determine the start date and shall notify the regional chaplain, Assistant Director of Chaplaincy, and RPD Manager IV – Director of Chaplaincy or designee.
 - H. After the implementation of the unit faith-based dorm, the Chaplaincy Department contact shall be the appropriate regional chaplain.
 - I. In the event there is an expansion to the faith-based dorm or replacement of volunteer groups, the unit chaplain in consultation with warden shall contact the appropriate regional chaplain. The regional chaplain shall ensure the changes are forwarded to Chaplaincy Headquarters for incorporation into the Faith Based Dorm report.
- IV. Curriculum shall consist of three of the following from the Life Changes Curriculum: Track III: Family Programs, Track IV: Rehabilitation Programs, Track V: Reentry Programs. Faith specific services and religious text studies may be offered as electives but shall not be mandated.
 - V. Programming in the FBD shall take place at least three days a week, with days and times to be determined by the warden and chaplain.
 - VI. Curriculum utilized in FBDs must be approved by the RPD Manager IV – Director of Chaplaincy or designee, before implementation, through the use of a Proposal Form for Service Providers (Chaplaincy Policy 02.01, “Curriculum and Programming,” Attachment B).
 - VII. The volunteer program coordinator shall immediately report to the unit chaplain any issues or problems arising with offenders or staff.
 - VIII. Offenders who drop, are transferred, or removed within the first 30 days will be replaced by offenders from an approved waiting list or previous graduates to be used as mentors.



Timothy Jones
RPD Manager IV- Director of Chaplaincy

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	Supersedes:	02.04 (rev. 2) July 2014

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Faith-Based Dorm Offender Participation Form

I, (Print Name)_____ (TDCJ #)_____ do hereby volunteer to participate in the _____ unit faith-based dorm. The program in its entirety has been explained to me, and I understand that:

1. The program is a faith-based program of support.
2. I will live in a housing unit that is set aside for the program.
3. I will abide by the rules for program participation and of the facility.
4. I will participate and successfully complete the approved curriculum in the FBD. Non-participation shall result in removal from the program.
5. Participation in the faith-based dorm is not contingent upon my faith preference.
6. I may voluntarily leave the program at any time without negative repercussions. However, if I choose to leave the program, future application to participate may be denied.
7. I will not be given extra credit to shorten my sentence by volunteering for the program.
8. I will encourage my family members to be involved with support services offered.
9. I understand that I may not have the same privileges that are provided to general population due to the schedule and requirements for participation in the program.
10. My decision to participate in the program will not affect my consideration for discharge or parole.
11. I acknowledge that my decision to participate in the program is of my own free will.
12. Disciplinary infractions may result in my program removal. Major disciplinary will apply based on TDCJ Rules of Conduct. Minor disciplinary will be reviewed by the warden and chaplain on an individual basis.
13. I agree that the state may release information in its possession regarding my criminal history, education information, parole information, family history and substance abuse history to appropriate staff, both paid and unpaid, of the primary faith-based collaborators which is necessary and appropriate for obtaining the maximum benefit from the program.
14. ***Consent of Release to photograph, film or record vocally for publicity purposes:*** I hereby grant to the TDCJ and its agents while actively participating in the faith-based dorm, the right and authority to photograph, film, and record vocally. These records may be used for promotional or publicity purposes and may be published in mass media publications, collaborator web sites, or shown on television or movie presentations. This release is given without promise of compensation.

Signed: _____ Date: _____

Witnessed: _____ Date: _____

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CHAPLAINCY MANUAL	Date:	January 2020
	Supersedes:	06.01 (rev. 4) July 2016

SUBJECT: ISLAMIC RELIGIOUS SERVICES AND PRACTICES IN THE TDCJ

AUTHORITY: AD-07.30, "Procedures for Religious Programming;" AD-07.35, "Administration of Volunteer Services in the TDCJ;" AD -07.38, "Administration of Mentor Services;" Chaplaincy Manual Policy 14.02, "Volunteer Assignments"

DISCUSSION:

- I. The TDCJ Chaplaincy Department employs area Muslim chaplains to assist in providing religious programming to the Islamic faith group.
- II. The RPD Manager IV – Director of Chaplaincy or designee shall assign specific TDCJ units to each area Muslim chaplain. Each area Muslim chaplain shall be accountable to the Assistant Director of Chaplaincy.
- III. The RPD Manager IV – Director of Chaplaincy or designee shall provide the unit chaplains with a list of area Muslim chaplains and their units of assignment, updating and distributing the list as changes occur. The unit chaplain shall keep the unit staff and offender populations informed regarding the name and location of the area Muslim chaplain serving that unit.

POLICY:

- I. The unit chaplain is responsible for overall unit compliance with Chaplaincy Department policy, agency-wide religious practices, and agency regulations. The area Muslim chaplain is the designated authority at the unit level regarding Islamic matters. The unit chaplain shall provide the area Muslim chaplain with appropriate times and space to accommodate Islamic programming.
- II. The unit chaplain and area Muslim chaplain shall coordinate the following:
 - A. Scheduling of all Muslim programming, including services, studies, time of prayers, holy days, and celebrations;
 - B. Managing offender activities, such as lay-ins, special requests, pastoral care, issues, and concerns; and
 - C. Management and supervision of approved Muslim offender volunteers, including communication, direction, and instruction.
- III. When an area Muslim chaplain or approved Muslim volunteer is unavailable for a primary scheduled Islamic Jumah service, an approved Muslim offender volunteer shall lead the service in accordance with Chaplaincy Policy 12.01 "Offender Volunteer Service, att. J."

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- IV. Duties and responsibilities performed by an approved Muslim offender volunteer shall be in accordance with Chaplaincy Policy 12.01, "Offender Volunteer Service."
- V. Muslim services will be in accordance with guidelines of AD 07.30, "Procedures for Religious Programming."
- VI. TDCJ chaplains shall be responsible for the recruitment of Muslim volunteers and coordinate their service with the unit chaplain and area Muslim chaplain. Muslim volunteers shall apply for TDCJ approved volunteer status in accordance with guidelines of AD-07.35, "Administration of Volunteer Services", the TDCJ Volunteer Services Plan, and AD-07.38, "Administration of Mentor Services," if applicable.

PROCEDURES:

- I. The area Muslim chaplain and unit chaplain shall authorize for participation in Islamic observances and celebrations only those offenders whose TDCJ records state that the offender is Muslim. The area Muslim chaplain shall be consulted pertaining to any specific issues regarding the Islamic observance. The Assistant Director of Chaplaincy and Regional Chaplains shall be responsible for consulting with area Muslim chaplains on Islamic observances and disseminating inter office communication on upcoming Islamic observances.
- II. Offenders with Muslim declared on their faith card who choose not to participate with the Muslim community during Ramadan may request a meal in accordance with Chaplaincy Policy 05.01, "Religious Devotional Items and Observed Holy Days."
- III. Every unit with an Islamic program shall follow the requirements listed below in providing Jumah prayer service:
 - A. Muslim offenders shall be given lay-ins from work to participate in Jumah prayer. However, they shall fulfill their job assignments with the exception of the hours required for participation in Jumah. Unit chaplains shall work with Windham school administrators in order to assist offenders with their attendance to Jumah.
 - B. Jumah shall be conducted on Friday. It is the Islamic holy day of the week.
 - C. The unit chaplain and the area Muslim chaplain shall coordinate the exact time of the meeting.
 - D. Attendance at Jumah prayer service is restricted to offenders whose faith preference is Islamic per TDCJ records and whom the area Muslim chaplain has approved for attendance.

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- E. The unit chaplain shall coordinate with the warden to allow Muslim offenders to shower prior to their Jumah service in order to meet their holy obligation for cleanliness in prayer.
- F. Chaplains shall oversee the area used for Jumah in order to ensure that pictures and symbols of other faiths are not on display.

IV. Ramadan

- A. Ramadan is celebrated for approximately thirty days and is required for all Muslim offenders. The days of Ramadan end with the celebration of the Eid ul Fitr Festival of Fast Breaking which always follows right after Ramadan.
 - 1. Observance of Ramadan requires that the Muslim offender abstain from eating any food and drinking any water from dawn to sunset and perform their regular job assignments and activities. Exceptions will be based on medical or dietary needs per unit administration or medical staff.
 - 2. It is the responsibility of the offender to send an I-60 to the unit chaplain in cases where the offender believes the job assignment is too strenuous to maintain during Ramadan. The unit chaplain shall contact the medical staff, area Muslim chaplain and warden to discuss each submission and make a determination on who should be temporarily reassigned to a less rigorous assignment during the month of Ramadan. The unit chaplain shall record decisions and draft an inter-office communication for the warden's approval and dissemination.
 - 3. Muslim offenders who are observed consuming food during the daytime fast may be subject to removal from the list of offenders participating in the Ramadan activities by the unit's designated area Muslim chaplain. Offenders with legitimate reasons, such as sick, elderly, chronic diseases, certain medical conditions, medications, or issues affecting women of the Islamic faith may be excused from the fasting requirement. Muslim offenders affected by the above may be allowed to participate in the daily Ramadan activities. The unit chaplain in cooperation with the area Muslim chaplain shall review all reported fasting violations.
 - 4. Muslim offenders shall be allowed to shower before participating in Ramadan's daily morning and evening obligations in order to comply with the faith's requirement for cleanliness before prayer.
 - 5. During the month of Ramadan, the Muslim offenders assigned to the kitchen may be involved in the preparation of food.

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6. Muslim offenders who are not on the Jumah prayer list must submit their request a minimum of fourteen days in advance of the start date of Ramadan.
7. Female Muslim offenders requesting completion of the Ramadan fast shall be authorized to complete the fast during the first six days after the Eid ul Fitr.

B. Ramadan Daily Morning Obligations

1. Muslim offenders will be laid-in before dawn to a room approved by the warden every day of Ramadan in order to receive breakfast.
2. Each unit chaplain must consult with the area Muslim chaplain for the exact time frame for each day.
3. Offenders participating in Ramadan will be allowed 20 minutes to eat.
4. The offenders will then be escorted by security to a room designated by the warden where they will have congregational prayer/services.
5. These offenders will be allowed to take the Qur'an and other Islamic religious devotional items, including prayer rugs, kufi or hijab, and dikh beads, with them to the dining hall and to the place where congregational prayers are conducted, both morning and evening.

C. Ramadan Daily Evening Obligations

1. The area Muslim chaplain will determine the time for Muslim offenders to be laid-in prior to the evening meal in a room designated by the warden where they will have congregational prayer/services.
2. These offenders will be allowed to take their Qur'an and other Islamic religious devotional items, such as kufi for the men, hijab for the women, dikh beads, and prayer rugs, to prayer and the evening meal.
3. The sunset meal requires that the daily fast be broken with a small amount of dates or raisins donated for said occasions. Dependent upon any free world donations the unit chaplain, approved volunteer, or unit staff shall distribute dates or raisins for this purpose. Otherwise, the unit chaplain shall make arrangements for water to be available to break their fast. The dates, raisins, or water are consumed prior to the sunset prayer as a part of the ritual fast breaking. After the offenders have prayed, they will be escorted to a room or designated area where they may receive the evening meal. Muslim offenders participating in Ramadan will be allowed 20 minutes to eat.

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D. Muslim offenders in administrative segregation:

1. Muslim offenders will be provided a pork- free tray in their cells, in accordance with Chaplaincy Policy 03.01, "Diet Plans" before dawn and after sunset each day of Ramadan. The area Muslim chaplain will designate the exact time.
2. Eligible offenders:
 - a. Those who are currently on the Jumah roster.
 - b. Must make request by I-60; 14 days prior to the start of Ramadan. Exceptions, as in the case of unit transfers or similar situations, will be addressed in consultation with the area Muslim chaplain.
 - c. Must have a Muslim faith preference listed on the SSNO computer screen.

E. A roster of Muslim offender participants shall be made available to security staff and to food services staff:

1. The unit chaplain and area Muslim chaplain are responsible for determining who is eligible to be on the list.
2. The unit chaplain will supply designated security staff with a roster of Muslim offenders who are participating in Ramadan.
3. This list will be updated weekly or as needed by the unit chaplain.
4. The unit chaplain and area Muslim chaplain shall answer any questions concerning offender eligibility for Ramadan participation.

V. Eid ul Fitr Festival (Breaking the Fast)

- A. Eligible Muslim offenders to include any third-shift workers shall be laid-in all day and evening for Eid ul Fitr as appropriate. The area Muslim chaplain will designate the exact date.
- B. On that morning, Muslim offenders shall be laid-in for Islamic prayers in a room approved by the warden from 08:00 a.m. to 10:00 a.m. or 09:00 a.m. to 11:00 a.m. The area Muslim chaplain will designate the exact time. Before going to prayer, these offenders shall be allowed to shower.

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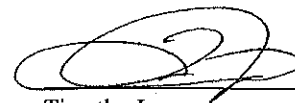
C. The unit chaplain shall make arrangements for provision of a religious meal to follow the morning prayers.

1. A religious meal shall be in accordance with the Food Services Procedures Manual 18.03, Religious Meals. Food items not provided by the TDCJ must meet the requirement of the Food Services Procedures Manual 19.03, Special Meals.
2. The time provision for the meal is flexible, allowing each unit to determine whether the meal is scheduled after the prayer in the morning or later on in the day. This effort shall be coordinated with building security and the food services manager. Donated food shall be in accordance with Chaplaincy Policy 03.02, "Food Donations."

D. Where time, space, and security are available, the Muslim offenders may be allowed an opportunity for fellowship together.

VI. Eid ul Adha (Festival of Sacrifice)

- A. The same steps and procedures are to be observed for the Eid ul Adha as have been outlined above in VI. A - D.
- B. Note that Eid ul Adha occurs several weeks after Eid ul Fitr. It will not be necessary to create a new lay-in list for Eid ul Adha participants as the unit chaplain will include those offenders listed on the Jumah roster. It is the responsibility of offenders who wish to participate in Eid ul Adha to submit to the unit chaplain an I-60 a minimum of 14 days in advance of the scheduled religious holy day. Exceptions, as in the case of unit transfers or similar situations, will be addressed in consultation with the area Muslim chaplain.



Timothy Jones
RPD Manger IV- Director of Chaplaincy